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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,989	01/10/2005	Thomas Antkowiak	P01072US2A	5203

7590 05/24/2007
Chief Intellectual Property Counsel
Bridgestone Americas Holding Inc
1200 Firestone Parkway
Akron, OH 44317-0001

EXAMINER

TESKIN, FRED M

ART UNIT	PAPER NUMBER
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1713

MAIL DATE	DELIVERY MODE
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05/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,989	Applicant(s) ANTKOWIAK ET AL.	
	Examiner Fred M. Teskin	Art Unit 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-10,12-17 and 21 is/are allowed.
- 6) ☒ Claim(s) 2 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Amendments presented in the reply of March 19, 2007 are acknowledged and deemed to obviate the informality objections and the Section 112 and prior art rejections presented in the previous Office action. Claims 1-3, 5-10 and 12-21 are currently pending and under examination herein.

Claim 18 is objected to because of the following informalities: "compounds" should read –compound- in line 4 (*cf.*, line 3). Appropriate correction is required.

Claim 19 is objected to because of the following informalities: the claim is dependent on itself (see line 1). Appropriate correction is required.

The indicated allowability of claim 2 is withdrawn in view of the newly discovered reference(s) to Bronstert et al. Rejection based on the newly cited reference(s) follows.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by US 4861742 (Bronstert et al).

Bronstert et al disclose, as anionic polymerization initiators, the compounds: 1,4-dilithium-1,4-diaryl-2,3-dialkylbutane and 1,4-dilithium-1,4-diaryl-2,2,3,3-tetraalkylbutane; see col. 4, line 66 to col. 5, line 10. Referring to formula I of claim 2, it

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is noted that the disclosed compounds each contain a 4-lithio-benzyl moiety, which is considered to qualify as functional group A of that formula in view of its participation in generating a living polymer chain as described at column 6, lines 19+ of the reference. As such, claim 2 is deemed readable on the cited initiator compounds when R⁶ of formula I is a covalent bond.

Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5567815 (Hall et al).

Hall et al disclose an anionic polymerization initiator produced by reacting an organolithium compound with a precursor functionalizing agent that is formed by reacting a secondary amine with diisopropenyl benzene (DIPB) (see col. 3, ll. 25+). As shown in column 4, lines 45+, the secondary amine/DIPB reaction product has a structure wherein an isopropyl amine group is substituted on an *alpha*-methyl styryl ring. The amine group is a species of functional group recited in each of claims 18-20, and is included in the styryl compound of the patentees' precursor functionalizing agent. As such, the cited art is seen to describe the claimed process for preparing a functionalized anionic polymerization initiator comprising "combining [by reacting] a functionalized styryl compound and an organolithium compound, where the functionalized styryl compounds includes a functional group selected from ... an amine group ..". Accordingly, claims 18-20 are deemed to lack novelty.

Claims 1, 3, 5-10, 12-17 and 21 are free of the prior art.

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In view of the new grounds of rejection, this action is made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FMTeskin/05-21-07


FRED TESKIN
PRIMARY EXAMINER
1713